

1           A     No, they didn't suggest. Well, I guess some of the  
2 employees did say let's get it, meaning maybe because I was  
3 general manager and they were all -- I considered them all my  
4 children and they all looked to me for help, for their jobs,  
5 and I was the one to do it.

6           Q     Did Joann Adams suggest to you to apply for it?

7           A     No, she didn't. She said it was a lot of headaches,  
8 as a matter of fact.

9           Q     At, at that time in 1991, who was the owner of WBBY?

10          A     Mr. Carl Nourse.

11          Q     Did Mr. Nourse or anybody associated with him  
12 suggest that you apply?

13          A     No, sir.

14          Q     Did you have any discussions with Mr. Nourse or any  
15 of his representatives about you applying for this frequency?

16          A     The only time is after I had decided I sent a letter  
17 -- and I'm not sure of the dates -- I sent a letter to him  
18 telling him that I was going to apply.

19          Q     Did you get any response from him?

20          A     He said go for it.

21          Q     Excuse me?

22          A     He said go for it, you know, good luck.

23                 JUDGE MILLER: How, how did you come to hire  
24 Mr. Koerner?

25                 WITNESS: My friend, Joann Adams, had an attorney.

1 That was Mr. Healy.

2 JUDGE MILLER: Robert Healy?

3 WITNESS: Yes, sir.

4 JUDGE MILLER: All right.

5 WITNESS: And so I called him and he said that he  
6 was already involved with one of the other applicants, his  
7 firm was, and he gave me Mr. Koerner's name.

8 JUDGE MILLER: All right. Proceed, Mr. Yelverton.

9 BY MR. YELVERTON:

10 Q I hope I'm not asking a question that's been asked  
11 before. How far back in time does your relationship with Joe  
12 Adams -- Joann Adams go?

13 A I believe she started at BBY in '87, January of '87  
14 I believe.

15 Q I'd like to turn your attention to Mr. Beauvais.  
16 You testified that you had discussions with him December of  
17 1991. Is it not a fact that during these December 1991  
18 discussions with Mr. Beauvais that you did not discuss in any  
19 depth your past broadcast experience?

20 A I didn't go into detail what I had done. I told him  
21 I had been in business for a while.

22 Q But it's correct that you didn't discuss this in  
23 detail?

24 A No. To go into every position I've held? No, not  
25 in detail.

1 Q Okay. And it's also a fact that you did not discuss  
2 in any depth or detail with Mr. Beauvais his broadcast  
3 background?

4 A No, I didn't.

5 Q And also, it's a fact that you knew very little and  
6 asked only -- Let me, let me rephrase that. It's a fact that  
7 you did not discuss in any detail Mr. Beauvais's business  
8 background?

9 A No, I didn't.

10 Q And also, it's a fact that you did not discuss with  
11 Mr. Beauvais his relationship with Joann Adams?

12 A I knew from what Joann had said that they had been  
13 friends for many years, associated in advertising from  
14 Detroit --

15 Q The question is you didn't ask Mr. Beauvais about  
16 his, his relationship --

17 A No.

18 Q -- with Ms. Adams?

19 A Just Joann's relationship. I asked her.

20 Q And also, it's a fact that in December 1991 you did  
21 not provide to Mr. Beauvais a copy of your personal financial  
22 balance sheet?

23 A That's correct.

24 JUDGE MILLER: Turn if you will to ASF Exhibit 2.

25 Now, the second paragraph starts off with the words "Thomas J.

1 Beauvais is a 50 percent owner of the Patten Corporation, an  
2 advertising agency in Southfield, Michigan." When did you  
3 first learn that?

4 WITNESS: Joann had told me when she was telling me  
5 about him that he worked for the Patten Advertising and --

6 JUDGE MILLER: Well, he more than works.

7 WITNESS: Yeah, well --

8 JUDGE MILLER: He owns 50 percent of it, doesn't he?

9 WITNESS: Yes. I didn't know that for a while.

10 JUDGE MILLER: Well, when did you learn? When did  
11 you learn he was 50 percent owner?

12 WITNESS: I think it, I think it was -- might have  
13 been that day at the restaurant.

14 JUDGE MILLER: 12/13/91?

15 WITNESS: Yeah.

16 JUDGE MILLER: Did you learn that day at the  
17 restaurant that the Patten Corporation is a licensee in WBTZ  
18 Pinconning, Michigan?

19 WITNESS: He said he had some other interest in  
20 radio, but I really didn't get into it.

21 JUDGE MILLER: Well, when did you learn --

22 WITNESS: December 13th.

23 JUDGE MILLER: You learned specifically that the  
24 Patten Corporation was a licensee in WBTZ Pinconning,  
25 Michigan. Is that correct?

1 WITNESS: Yes.

2 JUDGE MILLER: And was it the same day that you  
3 learned that the Patten Corporation had a half equity interest  
4 in Stanton Broadcasting Corporation, the permittee of a new FM  
5 station at Trussville, Alabama? When did you learn that?

6 WITNESS: I'm not sure of the date of that. I'm not  
7 sure.

8 JUDGE MILLER: Now, the reason I'm asking you these  
9 questions is you're responsible for this exhibit.

10 WITNESS: Yes.

11 JUDGE MILLER: As you know, right?

12 WITNESS: Yes. I don't know the date, sir, to be  
13 honest.

14 JUDGE MILLER: Well, when did you, when did you  
15 learn that Mr. Beauvais was a 50-percent owner of GT Leasing,  
16 Incorporated, which has an 80 percent interest -- ownership  
17 interest in WFGR Grand Rapids, Michigan?

18 WITNESS: I think I just learned of all this when  
19 this was composed in '93. I didn't know all his holdings when  
20 I asked him for the, the money, to be my partner. And this  
21 was in '93.

22 JUDGE MILLER: You learned this shortly before the  
23 12th of August of '93. Is that, is that a fair statement?

24 WITNESS: Yes, yes, that's a fair statement, sir.

25 JUDGE MILLER: So on 12 -- in December of '91, you

1 | didn't know that he already had other broadcast interests?

2 |           WITNESS: No.

3 |           JUDGE MILLER: All right, proceed, Mr. Yelverton.

4 |           MR. YELVERTON: Thank you, Your Honor.

5 |           BY MR. YELVERTON:

6 |           Q     I'd like to turn your attention to the application  
7 | of ASF Broadcasting as filed in December of 1991.

8 |           MR. YELVERTON: And, Your Honor, could I approach  
9 | the witness?

10 |           JUDGE MILLER: You're going to have to, 'cause I  
11 | don't think she has a copy of the application. Are you  
12 | satisfied, Mr. Koerner, that that's what he's showing her?

13 |           MR. YELVERTON: Your Honor, I'm presenting to the  
14 | witness a copy of the application of ASF Broadcasting  
15 | Corporation with a cover letter of December 27, 1991, from --  
16 | signed by James Koerner, Counsel. The cover letter is  
17 | addressed to the Federal Communications Commission and  
18 | indicates this is the initial application.

19 |           JUDGE MILLER: Tell me who signed the application,  
20 | will you?

21 |           MR. YELVERTON: Yes.

22 |           JUDGE MILLER: More important than Mr. Koerner's  
23 | cover letter --

24 |           MR. YELVERTON: Yes. Well --

25 |           JUDGE MILLER: -- the identification.

1 MR. KRAVETZ: Your Honor, do we have any CLE credits  
2 after this hearing?

3 JUDGE MILLER: I'm sorry, I should not do this, but  
4 I do it.

5 BY MR. YELVERTON:

6 Q This application has the signature of Ardeth S.  
7 Frizzell with a date of December 26, 1991. Is that your  
8 signature, Ms. Frizzell?

9 A Yes, sir.

10 Q And is this the application of ASF Broadcasting  
11 Corporation that was filed in December 1991?

12 A Yes, sir.

13 Q And I'd like to turn your attention to what is  
14 indicated in the application as Exhibit Number 2, "Other  
15 Broadcast Interests," and it has a paragraph referring to  
16 broadcast interest of Thomas J. Beauvais. Could you take a  
17 look at that?

18 A Yes.

19 JUDGE MILLER: Remember reading that before you  
20 signed the application?

21 WITNESS: I remember reading it probably -- I filled  
22 out the application -- So much happened, I can't remember. I  
23 did read it and I did sign it, but I remember that --

24 BY MR. YELVERTON:

25 Q Could you tell us where the information came from in

1 | respect to Mr. Beauvais's broadcast holdings?

2 |       A     I think he gave them to Mr. Koerner, the  
3 | information.

4 |       Q     Could you --

5 |             JUDGE MILLER: Did you, did you have a conversation  
6 | with Mr. Beauvais in which you said, you know, you better send  
7 | some, some, some facts in to Mr. Koerner?

8 |             WITNESS: Yes. He sent all the information that  
9 | Mr. Koerner needed from him and I sent the information I was  
10 | supposed to send.

11 |            JUDGE MILLER: All right. But the reason, the  
12 | reason that Mr. Beauvais got in touch with Mr. Koerner was  
13 | because you said hey, this is our lawyer, this is the fellow  
14 | that's putting this together --

15 |            WITNESS: Yes.

16 |            JUDGE MILLER: -- and so you send --

17 |            WITNESS: To Mr. Koerner.

18 |            JUDGE MILLER: All right.

19 |            MR. YELVERTON: Your Honor, would it be appropriate  
20 | to -- for Mrs. Frizzell to read into the record the exact  
21 | information that's in the application?

22 |            JUDGE MILLER: Probably save us an awful lot of  
23 | time. It'll probably save us an awful lot of time.

24 |            BY MR. YELVERTON:

25 |       Q     Could you read the second paragraph into the record?



1           A       "Thomas J. Beauvais is principal of the P.G. Media  
2 Corporation as the licensee at station WNJT-FM, Pinconning,  
3 Michigan. P.G. Media Corporation is a wholly owned subsidiary  
4 of the Patten Corporation. Thomas J. Beauvais is 50 percent  
5 owner of the Patten Corporation. The Patten Corporation holds  
6 also one-third interest in the form of nonvoting stock.  
7 Montgomery Broadcasting Corporation which was an applicant for  
8 a new FM station to serve -- as owner. The Patten Corporation  
9 has a one-half interest in the form of the nonvoting stock of  
10 Stanton Broadcasting Corporation, which is the conditional  
11 license for the new FM station to serve Trussville, Alabama."

12               MR. YELVERTON: Your Honor, I'm going to give the  
13 court reporter a copy of this so she can be certain of the  
14 spelling of the, of the names and cities.

15               JUDGE MILLER: Well, I'd like to take a look at it  
16 before you, before you do that.

17               MR. YELVERTON: Yes.

18               JUDGE MILLER: Do you know who Mr. Beauvais's  
19 communications lawyer is?

20               WITNESS: I know he had used Haley.

21               JUDGE MILLER: Healy?

22               WITNESS: Healy. I'm sorry, Mr. Healy. Mostly. I  
23 think that's, that's the one Joann used.

24               JUDGE MILLER: Well --

25               WITNESS: But his personal, I don't know.

1 JUDGE MILLER: You don't know?

2 WITNESS: No, sir.

3 JUDGE MILLER: And it never came up in any  
4 conversations between you and he?

5 WITNESS: No.

6 JUDGE MILLER: Proceed, Mr. Yelverton.

7 MR. YELVERTON: Thank you, Your Honor.

8 BY MR. YELVERTON:

9 Q Ms. Frizzell, as a matter of fact, did Joann Adams  
10 refer you to the local attorney who prepared the corporate,  
11 corporate documents for ASF in December of 1991?

12 A Yes, she did, because I didn't have a local  
13 attorney.

14 Q And is it not a fact that as to the preparation of  
15 the ASF application that you generally went by Joann Adams'  
16 advice?

17 A Pardon me, sir?

18 Q Is it not a fact that in the preparation of the ASF  
19 application that you generally went by the advice of Joann  
20 Adams?

21 A To fill out the application?

22 Q As far as setting up the corporation and preparing  
23 the application.

24 A I prepared the application without her advice  
25 because I had the form. Mr. Koerner sent me the form. But

1 the shareholders agreement, yes. 'Cause I, I wasn't aware  
2 what all you needed to do the -- to get the license and form a  
3 corporation.

4 Q Is it not a fact that you relied on Joann Adams'  
5 knowledge as to the FCC application process and knowing what  
6 you had to do?

7 A No, Mr. Koerner told me how I would have to fill out  
8 the Form 3 -- I think it's a form number, but I had to fill  
9 out the application and I filled that out without the help of  
10 Joann Adams.

11 Q Okay. But other than the advice you got from  
12 Mr. Koerner, you relied on advice from Ms. Adams. Is that  
13 correct?

14 A To, to form the shareholders agreement, yes.

15 Q Okay. Any other advice that you relied on her?

16 A I think we discussed in brainstorming about a  
17 budget.

18 JUDGE MILLER: In what brainstorming?

19 WITNESS: Between Joann -- Just talking about what  
20 had to be done. And I talked to her about the budget.

21 JUDGE MILLER: Any brainstorming sessions that you  
22 just testified to were between you and Joann Adams and not  
23 Mr. Beauvais?

24 WITNESS: No, he was never present.

25 JUDGE MILLER: Never present. Okay.

1                   WITNESS: Before this hearing, I've only met with  
2 him twice before the deposition. I only met the man twice.

3                   JUDGE MILLER: Okay.

4                   BY MR. YELVERTON:

5           Q       At anytime since December 1991 have you had any  
6 discussions with Mr. Beauvais about Joann Adams and his  
7 relationship with Joann Adams?

8           A       I think we had -- I told him when she was in the --  
9 when she went to the hospital on several occasions and I would  
10 tell him that, well, Joann's doing better or something like  
11 that about her health that would come up.

12          Q       Now, in preparation for your deposition, did you  
13 have occasion to speak with Mr. Beauvais?

14          A       I think he, he may -- I talked to him and he said he  
15 would make the hotel reservations, 'cause he was coming in  
16 town earlier and he would take care of the hotel.

17          Q       Did, did you speak with Mr. Beauvais about anything  
18 else with respect to the ASF application?

19          A       He said try to stay calm and don't get too nervous,  
20 but other than that, no.

21          Q       Now, since the time of the deposition --

22                   JUDGE MILLER: At the time you were taking your  
23 deposition, your deposition has come up, did you have any  
24 conversations with Carl Nourse?

25                   WITNESS: No, sir.

1 JUDGE MILLER: Before you came here to Washington to  
2 testify today, did you have any conversations with Carl  
3 Nourse?

4 WITNESS: No, sir.

5 JUDGE MILLER: Proceed.

6 BY MR. YELVERTON:

7 Q Have you spoken with Carl Nourse about the ASF  
8 application at anytime since December 1991?

9 A No, sir.

10 Q Other than Carl Fry, have you spoken to any  
11 representative of Mr. Nourse about your application since  
12 December 1991?

13 A No, sir.

14 Q Since the time of your deposition, have you spoken  
15 to Mr. Beauvais about the ASF application?

16 A Since the deposition. No, sir.

17 Q Since the time of your deposition, have you spoken  
18 to Mr. Beauvais about Joann Adams?

19 A I talked to him and told him that he had to come  
20 here to the hearing and he asked me how Jo was feeling.

21 Q Was there anything else said about Joann Adams?

22 A No.

23 Q You mentioned Joann Adams helped you in preparation  
24 of the budget for ASF and you were proposing to provide  
25 auxiliary power. Is that correct?

1 A Yes.

2 Q In the hearing exhibits. Now, is it not a fact that  
3 at the time you prepared the application in December of 1991  
4 you did not know how much auxiliary power would cost?

5 A That's true. I -- That's true.

6 Q And you didn't know that in, in March of 1992?

7 A How much it would cost? That's true.

8 Q When did you first find out how much auxiliary power  
9 would cost?

10 A After the deposition.

11 Q And also, it's a fact that ASF is proposing to use a  
12 directional antenna.

13 A Yes.

14 Q Is that correct?

15 A Yes, sir.

16 Q And it's also a fact that at the time you prepared  
17 the cost estimates for ASF you did not know how much a  
18 directional antenna would cost?

19 A I didn't know the precise cost of a directional  
20 antenna because sometimes you can get a good used one and --  
21 But I felt that I had enough money in the budget to allow  
22 that, with the \$100,000. The precise cost of one at that  
23 point in time of the deposition, no.

24 Q Since the deposition, you found out how much a  
25 directional antenna would cost?

1 MR. KOERNER: Objection, Your Honor. There's no  
2 financial issue in the case at this point in time.

3 MR. YELVERTON: Your Honor, I'm just asking of her  
4 knowledge of her application.

5 JUDGE MILLER: I'll sustain the objection.

6 MR. KOERNER: Thank you, Your Honor.

7 MR. YELVERTON: Your Honor, I have no further  
8 questions.

9 JUDGE MILLER: All right. In 1985 you took a course  
10 in geriatric technology.

11 WITNESS: Yes, sir.

12 JUDGE MILLER: Why?

13 WITNESS: Because my mother had just passed away and  
14 I was going to save the world.

15 JUDGE MILLER: Well, were you going to work in that  
16 area? Did you plan on working in that area?

17 WITNESS: I had thought about working and wanted to  
18 work in that area, but after I got into it you find out the  
19 pay is almost minimum wage and I was trying to raise a  
20 daughter at that time. So I couldn't.

21 JUDGE MILLER: So you didn't get into the field?

22 WITNESS: I just -- But it helped me. I took care  
23 of my father when he was terminally ill.

24 JUDGE MILLER: All right. When you were manager of,  
25 was it WBBY?

1 WITNESS: Yes, for one year, the last year.

2 JUDGE MILLER: The last year? Did they have  
3 auxiliary power?

4 WITNESS: They had a gas generator at the station  
5 which always ran out of gas.

6 JUDGE MILLER: But you didn't have -- Are you saying  
7 you had one at the station, but not the transmitter site?

8 WITNESS: I don't believe we did, sir. To be  
9 honest, I'm not sure but I don't believe we did.

10 JUDGE MILLER: Exhibit 4, which you're responsible  
11 for, says that you intend to have auxiliary power at both  
12 studio and transmitter site. Is that because you were advised  
13 by your lawyer that that was a good thing to do, to, to keep  
14 up comparatively with the rest of the, the rest of your  
15 opponents? Is that a fair statement?

16 WITNESS: Yes, sir, it is. That's fair, yes.

17 JUDGE MILLER: All right. Any redirect?

18 MR. KOERNER: Just one or two quick questions, Your  
19 Honor.

20 REDIRECT EXAMINATION

21 BY MR. KOERNER:

22 Q Ms. Frizzell, do you recall being deposed in this  
23 proceeding on July 13, 1993?

24 A Yes, I do.

25 Q Had you ever been deposed previously?



1           A     No, sir.

2           Q     Have you ever testified previously?

3           A     No, sir.

4           Q     Would it be a fair statement to say that at your  
5 deposition you got somewhat rattled?

6                     MR. KRAVETZ:  Objection.  Leading question.

7                     JUDGE MILLER:  Overruled.

8                     BY MR. KOERNER:

9           Q     Would that be a fair statement?

10          A     A fair statement.

11                    JUDGE MILLER:  Are you rattled now?

12                    WITNESS:  Yes.

13                    MR. KOERNER:  No further.

14                    JUDGE MILLER:  All right.  Any recross?

15                    MR. ALPERT:  Not by me, Your Honor.

16                    MR. KRAVETZ:  Nor by me, Your Honor.

17                    MR. YELVERTON:  No, Your Honor.

18                    JUDGE MILLER:  All right, Ardeth Frizzell, you're  
19 excused and thank you for testifying.

20                    WITNESS:  Thank you, sir.

21                    MR. KOERNER:  Your Honor, if I may, I'll get the  
22 next witness.

23                    JUDGE MILLER:  Yes, you'll do that.  Call your next  
24 witness.

25                    MR. KOERNER:  Okay, at this time, Your Honor, I'd

1 like to call as a witness Thomas J. Beauvais.

2 JUDGE MILLER: And I think the record should reflect  
3 that he's being called because of notification by the other  
4 parties and not because of any direct testimony that he would  
5 present, correct?

6 MR. KOERNER: That is correct, Your Honor.

7 JUDGE MILLER: Okay. Mr. Beauvais, raise your right  
8 hand.

9 Whereupon,

10 MR. THOMAS J. BEAUVAIS  
11 having first been duly sworn, was called as a witness herein  
12 and was examined and testified as follows:

13 JUDGE MILLER: All right, available for cross  
14 examination?

15 MR. KOERNER: Yes, Your Honor.

16 JUDGE MILLER: Mr. Kravetz.

17 MR. KRAVETZ: Thank you, Your Honor.

18 CROSS EXAMINATION

19 BY MR. KRAVETZ:

20 Q Mr. Beauvais, my name is Eric Kravetz. We have met  
21 before at your deposition. You presently are employed as  
22 general manager of WFGR Grand Rapids, Michigan?

23 A Yes, sir.

24 Q That's an FM station?

25 A Yes, sir.

1 Q And you have ownership interest in that station?

2 A Yes, sir.

3 Q Do you ever recall discussing this fact or, or your  
4 ownership of --

5 JUDGE MILLER: Well, first of all, how long have you  
6 been general manager?

7 WITNESS: About six months, sir.

8 JUDGE MILLER: About six months. Did you have any  
9 other position with that station before you were general  
10 manager?

11 WITNESS: No. We just became owners, majority  
12 interest, in the station recently.

13 BY MR. KRAVETZ:

14 Q If I can follow up on that, you say your group  
15 became a majority owner of the station?

16 A Yes, sir.

17 Q And in connection with your becoming a majority  
18 owner, of your group becoming a majority owner, you became  
19 general manager?

20 A Yes, sir.

21 Q Did you ever discuss that fact with Ardeth Frizzell?

22 A I may have.

23 Q Do you have a specific remembrance?

24 A Specifically, I can't say yes I did at a certain  
25 time.

1 JUDGE MILLER: Have you been active in the  
2 management of WBTZ, Pinconning, Michigan?

3 WITNESS: Yes and no, sir. We've --

4 JUDGE MILLER: Well, explain.

5 WITNESS: Okay. We, we own the radio station. We  
6 ran it for a number of years and I was active in it and we did  
7 an LMA with it. So I'm still active in terms of overseeing  
8 it, but the day-to-day operations, no.

9 JUDGE MILLER: Did you say LMA?

10 WITNESS: Yes, sir.

11 JUDGE MILLER: What is an LMA?

12 MR. KRAVETZ: A local management agreement. It's --

13 JUDGE MILLER: Oh, I see. So up to that point, up  
14 to the LMA point, you were active?

15 WITNESS: Yes, sir.

16 BY MR. KRAVETZ:

17 Q Okay. And you stopped being active at the time that  
18 the corporation in general withdrew from active --

19 A Until the LMA.

20 Q How long have you had an ownership interest in the  
21 WBTZ?

22 A I'd have to double check, but I'm guessing about a  
23 little over two years. Actually, maybe closer to three years.

24 Q And when -- about when -- You don't have to do a  
25 specific date if you don't recall. About when did you enter

1 into the LMA?

2 A About 10 or 11 months ago, sir.

3 Q And before that, you were active in the management  
4 of the station yourself?

5 A Yes, sir.

6 Q Did you have a position there?

7 A I wasn't there everyday. I would go there a few  
8 days of the week.

9 Q Did you have a specific title or position?

10 A General manager.

11 JUDGE MILLER: Have you ever been to Trussville,  
12 Alabama?

13 WITNESS: Yes, sir.

14 JUDGE MILLER: In connection with the new FM station  
15 you had down there?

16 WITNESS: No, sir.

17 JUDGE MILLER: Are you active at all in the  
18 Trussville operation?

19 WITNESS: No, sir.

20 JUDGE MILLER: Proceed, Mr. Kravetz.

21 BY MR. KRAVETZ:

22 Q Do you know when the Trussville, Alabama, station  
23 obtained a permit? Again, about if you, if you're not  
24 specific.

25 A Within the past year.

1 Q Is the station built?

2 A In the process of, as we speak I am told.

3 Q Okay. So it's not yet operating?

4 A I don't think so.

5 JUDGE MILLER: Is there any business relationship  
6 between WFGR Grand Rapids, Michigan, and the advertising  
7 agency, the Patten Corporation?

8 WITNESS: Other than the fact that I own a piece of  
9 both of them, but no direct relationship.

10 JUDGE MILLER: No direct relationship. And if I  
11 were to ask you the same question about WBTZ Pinconning,  
12 Michigan, and the Patten Corporation, would your answer be the  
13 same?

14 WITNESS: No, sir.

15 JUDGE MILLER: All right, would you explain then?

16 WITNESS: JOSI Broadcasting Corporation, which owns  
17 WBTZ in Pinconning, was a wholly owned subsidiary of the  
18 Patten Corporation, which is an advertising agency that I own  
19 half of.

20 JUDGE MILLER: Right. But does, does the  
21 advertising agency use the surfaces of WBTZ Pinconning,  
22 Michigan?

23 WITNESS: No, sir.

24 JUDGE MILLER: All right. Proceed, Mr. Kravetz.

25 BY MR. KRAVETZ:

1           Q     Were you -- I'm sorry. The Patten Corporation at  
2 one point had an interest in an applicant for Quinto  
3 Broadcasting Corporation, Q-U-I-N-T-O, for -- which was an  
4 application for a new FM station in Tucson, Arizona?

5           A     Yes, sir.

6           Q     What happened with that application?

7           A     It was dismissed due to engineering deficiencies.

8           Q     How many meetings did you have with Ms. Frizzell  
9 before -- How many times did you meet with or have a  
10 discussion with Ms. Frizzell prior to the execution of the  
11 shareholders agreement you have with her?

12          A     I think once or twice.

13          Q     Well, was once a phone call when she introduced  
14 herself?

15          A     That was the -- I thought you meant in person  
16 visits. Yes, there was -- Once when she first called me and  
17 asked me if I would be interested in being her banker for  
18 this, and the second was an in-person visit when I visited  
19 with her in, in the local market.

20          Q     In the what?

21          A     In the Westerville area.

22          Q     You met at a restaurant?

23          A     Yes, sir.

24          Q     And at that meeting she basically discussed -- or  
25 she asked you to finance the station?

1           A     Yes, sir.

2           Q     And did you agree at that time?

3           A     Subject to details, yes, sir.

4           Q     Well, subject to --

5           A     To working out the agreement and how much money

6 involved and so forth.

7           Q     Which was eventually put into the shareholders

8 agreement?

9           A     Yes, sir.

10          Q     But this shareholders agreement, the amount of money

11 and the other terms, this was already drafted in connection

12 with a previous application you had. Am I correct?

13          A     No, sir.

14          Q     Did you ever apply for a station in Delaware, Ohio?

15          A     No, sir, I didn't personally.

16          Q     Were you involved in an --

17          A     Yes, sir.

18          Q     -- application? You did?

19          A     Yes.

20          Q     And was there -- Did you execute a shareholders

21 agreement in connection with your involvement in that

22 application?

23          A     Adams Broadcasting did, yes.

24          Q     What is Adams Broadcasting?

25          A     That was the applicant for the Delaware station.



- 1 Q Were you a shareholder in Adams Broadcasting?
- 2 A A nonvoting shareholder.
- 3 Q But you were a shareholder?
- 4 A Yes, sir.
- 5 Q And did you execute a shareholders agreement with
- 6 the voting shareholder?
- 7 A I personally did not. An attorney did.
- 8 Q An attorney signed it?
- 9 A No, an attorney prepared it.
- 10 Q But then you signed it?
- 11 A I believe so, yes, sir.
- 12 Q And that shareholders agreement for the Delaware,
- 13 Ohio, company was in fact virtually identical to the
- 14 shareholders agreement which you have executed with regard to
- 15 this application?
- 16 A That successful application is very similar to this
- 17 one, other than for the financial arrangements.
- 18 Q You mean as far as the dollar figures?
- 19 A Yes, sir.
- 20 Q And those were put in when?
- 21 A I can't tell you. I don't remember.
- 22 Q Who supplied those dollar figures?
- 23 A The original suggestion was from Ms. Frizzell.
- 24 Q And then you agreed to it?
- 25 A We negotiated back and forth, and then I finally